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Congress of the United States
House of Representatives
Washington, DC 20515

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December 5, 1996

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Federal Communications Commission
Office of Secretary

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D. C. 20554

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Re: **Ex Parte Communication**
CS Docket No. 95-178
"Must Carry Zones for TV Station"

Dear Chairman Hundt:

We are writing to you in support of Costa de Oro Television, Inc's petition for reconsideration of the above-referenced proceeding by the Federal Communications Commission ("FCC") dealing with correcting a mistake that caused KSTV of Ventura, California ("KSTV") to be placed in the wrong must carry zone for cable television.

The FCC has apparently decided to continue to use outdated market information from 1991-1992 regarding areas of dominant influence ("ADI's") in determining where a television station can request coverage from local cable systems responsible for carrying local television signals. These ADI's continue to be used even when stations have made a showing that they are in error. We further understand this is the case with KSTV. This station, which is licensed to Ventura, California, was placed in the Santa Barbara ADI and must carry zone, even though it serves the Los Angeles market and Ventura has always been considered part of the Los Angeles "area of dominant influence." KSTV wants to be included in the Los Angeles must carry zone and would have been so included but for an error by Arbitron, the publisher of the ADI guide and the reliance on this guide by subsequent FCC staff.

Furthermore, the FCC and the U.S. Census Bureau have for years included the city of Ventura and Ventura County as part of the Los Angeles "Metropolitan Statistical Area."

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Costa de Oro's petition for reconsideration demonstrates that its placement in the Santa Barbara ADI represents an error by Arbitron, the company that published the ADI Market Guide. The evidence presented by Costa de Oro Television supports the position that it never requested placement in any ADI other than Los Angeles. Arbitron is unable to locate any evidence to show why KSTV was placed in the Santa Barbara ADI and thereby put in the Santa Barbara must carry zone. The current rules set forth an update process that would have addressed mistakes or market changes. However, because Arbitron, the company that supplied and managed the data used to draw the must carry zones is no longer in business, the process to fix problems is no longer viable. It is for this reason that we believe Costa de Oro should be granted the exceptions they seek in their motion to reconsider.

Costa de Oro further demonstrated that a change in the market for KSTV would not represent a material variance from the 1991-1992 ADI Guide. KSTV is licensed to Ventura, California, located in Ventura County, California. For over two decades, Ventura County has been treated as county within the Los Angeles ADI. Therefore, treating KSTV as a Los Angeles market station does not represent a material change in market definition. In fact, it is simply correcting a previous error with regard to the station.

KSTV is one of the few Hispanic-owned television stations in this country and the only one in the Los Angeles area, which has over 4,500,000 Spanish-speaking citizens. KSTV intends to serve these Hispanic Americans with program diversity, including bilingual programming. It is essential that KSTV be carried in Los Angeles, the market it serves. It is unfair that the Hispanic community and the owners of Costa de Oro Television should suffer because the company managing the data has gone out of business and taken with it the ability to rectify erroneous data. We urge you to grant their exceptions. This is a concrete example of how the FCC can actually assist in promoting both diversity of programming and diversity of media ownership.

In summary, we support Costa de Oro's petition for reconsideration. Costa de Oro Television is not asking the FCC to re-draw the boundaries of the Los Angeles market. On the contrary, KSTV and Ventura County have always been a part of the Los Angeles market. We support Costa de Oro Television in its petition for reconsideration to put KSTV in the Los Angeles "must carry zone" where it belongs.

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We thank you for your prompt attention and affirmative resolution of this matter as requested by KSTV prior to January 1, 1997.

Sincerely,

Bill Richardson

Gavin Newsom

Ch. Cox

Ed Roth

Iphi Hon

Lucille Roybal-Allard

Sam Farr

Marianne Waters

Brian P. Bilbray

Anna G. Eshoo

Edon Dudley

Matthew L. Martinez

Julia Dixon

William E. Jones

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Sony Bow George E. Brown, Jr.

cc: Commissioner Rachelle Chong
Commissioner Susan Ness
Commissioner James H. Quello
Secretary of the Federal Communications
Commission (two copies)